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FRANCISCO and CITY OF SAN FRANCISCO UPTOWN
PARKING CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CRAIG YATES,

Plaintiff,

v.

UNION SQUARE; CITY AND COUNTY OF
SAN FRANCISCO; CITY OF SAN
FRANCISCO UPTOWN PARKING
CORPORATION; EMPORIO RULLI IL
CAFFE UNION SQ.; EMPORIO RULLI IL
CAFFE UNION SQ., INC.; and DOES 1
through 50, Inclusive,

Defendants.

CASE NO. C074087 JSW

**PROOF OF SERVICE RE:
NOTICE OF MOTION; MOTION FOR THE
COURT TO DECLINE SUPPLEMENTAL
JURISDICTION OVER AND TO DISMISS
PLAINTIFF'S STATE LAW CLAIMS [28
U.S.C. § 1367(c)] AND TO STRIKE
PLAINTIFF'S UNSUPPORTED AND
IMPROPER DAMAGE PRAYERS FROM
THE COMPLAINT [FRCP 12(f)]**

Accompanying Papers: Notice of Motion;
Memorandum of Points and Authorities; Request
for Judicial Notice; (Proposed) Order

Date: January 18, 2008
Time: 9:00 a.m.
Dept: Crtrm. 17
Judge: The Hon. Jeffrey S. White

Complaint filed: August 9, 2007
Trial date: none set

JMBM
Jeffer Mangels
Butler & Marmaro LLP

PROOF OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

I am employed in the City and County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is: Two Embarcadero Center, 5th Floor, San Francisco, California 94111.

On December 12, 2007 I served the document(s) described as

1. **NOTICE OF MOTION; MOTION FOR THE COURT TO DECLINE SUPPLEMENTAL JURISDICTION OVER AND TO DISMISS PLAINTIFF'S STATE LAW CLAIMS [28 U.S.C. § 1367(c)] AND TO STRIKE PLAINTIFF'S UNSUPPORTED AND IMPROPER DAMAGE PRAYERS FROM THE COMPLAINT [FRCP 12(f)];**

2. **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR THE COURT TO DECLINE SUPPLEMENTAL JURISDICTION OVER AND TO DISMISS PLAINTIFF'S STATE LAW CLAIMS [28 U.S.C. § 1367(c)] AND TO STRIKE PLAINTIFF'S UNSUPPORTED AND IMPROPER DAMAGE PRAYERS FROM THE COMPLAINT [FRCP 12(f)];**

3. **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION FOR THE COURT TO DECLINE SUPPLEMENTAL JURISDICTION OVER AND TO DISMISS PLAINTIFF'S STATE LAW CLAIMS [28 U.S.C. § 1367(c)] AND TO STRIKE PLAINTIFF'S UNSUPPORTED AND IMPROPER DAMAGE PRAYERS FROM THE COMPLAINT [FRCP 12(f)];**

4. **[PROPOSED] ORDER RE: MOTION FOR THE COURT TO DECLINE SUPPLEMENTAL JURISDICTION OVER AND TO DISMISS PLAINTIFF'S STATE LAW CLAIMS [28 U.S.C. § 1367(c)] AND TO STRIKE PLAINTIFF'S UNSUPPORTED AND IMPROPER DAMAGE PRAYERS FROM THE COMPLAINT [FRCP 12(f)];** in this action by placing the true copies thereof enclosed in sealed envelopes addressed as follows:

Timothy S. Thimesch, Esq.
Gene A. Farber, Esq.
Thimesch Law Offices
158 Hilltop Crescent
Walnut Creek, CA 94597-3452

☒ (BY MAIL) I am "readily familiar" with the firm's practice for collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ BY ELECTRONIC SERVICE TRANSMISSION via U.S. District Court, Northern Division, Case Management/Electronic Case Files, Filing System. I served a copy of the above-listed document(s) to the e-mail addresses of the addressee(s) by use as identified and maintained therein.

Executed on December 12, 2007 at San Francisco, California.

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butler & marmaro llp

1 ☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court
2 at whose direction the service was made.



ANGELA PEREIRA

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